

*Handwritten:* (circled) **RECEIVED**

**SPECK & AANESTAD**  
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**JUN - 4 2002**

**Department of Water Resources**

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June 3, 2002

*Handwritten:* Tim Lunde  
Please discuss with Doug  
Ning

Mr. Doug Rosenkrance  
Water District 34  
PO Box 205  
Mackay, ID 83251

**Re: Upper Fish Hatchery Canal Issues**

Dear Doug:

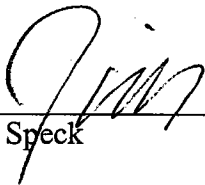
Dave Stoecklein has brought to my attention several matters regarding the Upper Fish Hatchery Canal diversion which need to be addressed as soon as possible. First, I understand you are delivering the entire 1.6 cfs of Water Right No. 34-00470A owned by Lynn Reno into the Canal. Enclosed is a copy of my February 27, 2001 letter to you, which previously brought up the issue raised by this diversion. You can only deliver the full amount of the Warm Springs Creek water right into the Canal if a diversion from Dr. Reno's well is properly limited to 0.36 cfs. On the other hand, if Dr. Reno is diverting the full amount of his groundwater right (0.86 cfs) to irrigate his property, you must the diversion of the Warm Springs Creek water right to 1.1 cfs. Please confirm to me which way these rights will be administered this season.

A second issue relates to the ditch loss for all of the water rights delivered into the Canal. Under the terms of the parties' settlement of various disputes in the fall of 1999, you were to undertake two or three years studying the ditch loss and arrive at a final number. Have you completed the study? If so, have you reduced your findings to writing and provided them to all of the water right owners with rights in the Canal? We are very concerned that the original figure of 21% is too high and that the delivery into the Canal of this portion of those rights which have been transferred out of the Canal is allowing the remaining water right users (e.g., Unger and Johnson) to receive considerably more water at their ditch headgates than they are entitled to receive. For example, if the Ditch loss figure is correct, Unger should receive at his ditch headgate no more than 79% of the amount of his water rights delivered into the Canal headgate. Since appropriate measuring devices must now be in place at each headgate or turn out from the Canal, it should be fairly easy to check these diversion amounts.

Mr. Doug Rosenkrance  
May 31, 2002  
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It is imperative that this matter be resolved as quickly as possible. I look forward to hearing from you shortly after receiving this letter.

SPECK & AANESTAD  
A Professional Corporation

  
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James P. Speck

JPS/sgg

cc: Dave Stoecklein  
Walter Stoecklein  
Terry Scanlan  
Mark Gates  
Lynn Reno  
Scott Johnson  
Mike Creamer  
Norm Young

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